

Amendment No. 1 to HB0333

Marsh
Signature of Sponsor

AMEND Senate Bill No. 416*

House Bill No. 333

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-5-101, is amended by adding the following language as a new, appropriately designated subdivision:

() "Removal service":

(A) Means any person or entity that engages in the arranging, directing, supervising, or performing the transportation of deceased human remains for a fee;

(B) Does not include a licensed funeral director, a licensed embalmer, a licensed funeral establishment, or its employees; and

(C) Does not include any federal, state, or county government agency involved in the transportation of deceased human remains;

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 5, Part 3, is amended by adding the following language as a new, appropriately designated section:

(a) On or after January 1, 2014, no removal service shall operate in this state unless the removal service is registered with the board of funeral directors and embalmers. All such registrations shall expire two (2) years from the date of the registration or renewal. The board may promulgate and adopt such rules and regulations to establish adequate registration and renewal fees to cover the administrative costs associated with the registration program.

(b) Included on each registration and renewal form shall be a section whereby the applicant or registrant shall declare, under penalty of perjury pursuant to § 39-16-

-702(a)(4), whether such registrant or any principal officer, director, or any person owning more than five percent (5%) of the removal service, has ever been convicted of a violation of this chapter or § 39-17-312.

(c) An applicant shall be prohibited from registering under this section for five (5) years from the date of conviction if the applicant or any principal officer, director, or any person owning more than five percent (5%) of the applicant's removal service has been convicted of a violation of this chapter or § 39-17-312.

(d) On or after January 1, 2014, it is an offense for a person to engage in the business of a removal service without registering or after falsely registering with the board.

(e) A violation of this section is a Class C misdemeanor.

(f) The registration of a removal service shall be immediately revoked by operation of law upon the conviction of the removal service or any principal officer, director, or person owning more than five percent (5%) of the removal service of any violation of this chapter or § 39-17-312. A copy of the judgment of conviction shall be transmitted to the board by the law enforcement agency responsible for the conviction.

SECTION 3. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it; for all other purposes, this act shall take effect January 1, 2014, the public welfare requiring it.